

September 5, 2007 BZA



REQUEST ANALYSIS  
AND  
RECOMMENDATION

08AN0100

Tracy Dillard Williamson

Clover Hill Magisterial District  
11920 Meis Lane

REQUEST: A Special Exception to operate a one (1) chair beauty shop from the home in a Residential (R-15) District.

RECOMMENDATION

Recommend approval of this Special Exception for the following reasons:

- A. Special Exception will not adversely affect the health, safety or welfare of persons residing or working on the premises or in the immediate area.
- B. Request will not increase congestion in the street.
- C. Special Exception will not impair the character of this district.

CONDITIONS

- 1. Special Exception shall be granted to and for Tracy Dillard Williamson, exclusively. Upon transfer of the land, this Special Exception shall expire. (P)
- 2. Special Exception shall be granted for a period not to exceed five (5) years from date of approval and may be renewed upon satisfactory reapplication and demonstration that the one (1) chair beauty shop has not proved a detriment to the adjacent property or the area in general. (P)

3. Special Exception shall be limited to the operation of a one (1) chair beauty shop, exclusively, and no person, other than the applicant, shall be engaged in this operation. (P)
4. Hours of operation shall be restricted to between 9:00 a.m. and 8:00 p.m., Monday through Saturday. No Sunday operation shall be permitted. (P)
5. Off-street parking shall be provided for at least two (2) customer vehicles, plus vehicles belonging to the applicant. All driveway and parking areas shall be at least graveled. (P)
6. No additions or alterations related to this operation shall be permitted to the exterior of the dwelling. (P)
7. No group assembly connected with this operation shall be permitted. (P)
8. Not more than two (2) customers shall be permitted on the property at any one (1) time. (P)
9. No signs advertising the one (1) chair beauty shop shall be posted outside the exterior of the building, nor shall any sign be visible from outside the building. (P)
10. All refuse related to the one (1) chair beauty shop shall be stored in appropriate containers and the containers shall not be visible from ground level to adjacent properties. (P)

#### GENERAL INFORMATION

##### Location:

Property is known as 11920 Meis Lane. Tax ID 740-685-0993 (Sheet 10)

##### Existing Zoning:

R-15

##### Size:

0.4 acre

##### Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - A; Residential  
South - R-15; Residential  
East - R-15; Residential  
West - R-15; Residential

Utilities:

Public water and sewer

General Plan:

(Powhite/Route 288)

Residential  
(1.5 units per acre or less)

DISCUSSION

The applicant requests a Special Exception to operate a one (1) chair beauty shop from the home.

The applicant provides the following justification in support of this request:

I would like to continue operating a one (1) chair beauty shop from the home. I agree with the previously approved conditions except for the permitted sign. I do not need a sign to advertise my business. This previously approved request has not proven to be detrimental during the last fourteen (14) years that I have conducted this business.

The Planning Department code compliance staff visited the site in response to a citizen complaint on May 29, 2007. Staff's inspection revealed that the applicant was in violation of the Zoning Ordinance by operating a one (1) chair beauty shop from the home without an approved Special Exception. Staff notes that on June 2, 1993, the Board of Zoning Appeals approved a Special Exception to permit the applicant to operate a one (1) chair beauty shop in the home for five (5) years. This Special Exception (93AN0205) expired in June of 1998. A copy of the minutes of the June 2, 1993, Board meeting is attached.

This request lies on 0.4 acre and is zoned Residential (R-15). The subject property is well maintained and has adequate paved driveway and parking area to accommodate the parking needs of this request. (Condition 5) The applicant has indicated that she will use the existing dwelling for the one (1) chair beauty shop. This request is located in the Genito Estates Subdivision, which is a well established neighborhood that is located south of Genito Road. Staff notes that there are single family dwellings located to the south, east and west of the subject property that are zoned Residential (R-15). Also, there is a single family dwelling located north of the subject property and is zoned Agricultural (A).

Over the past fourteen (14) years, staff has received only one (1) complaint relative to the property owner's one (1) chair beauty shop business operation. This was the current complaint regarding the expired Special Exception. Therefore, staff believes that the previously approved conditions have proven to be adequate to mitigate any adverse impact that this one (1) chair beauty shop may have on the neighborhood and area in general. Therefore, staff supports this request.

**93AN0205:** In Clover Hill Magisterial District, **TRACY D. WILLIAMSON** requested a Special Exception to operate a one-chair beauty shop from the home. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan designates the property for residential use of 1.5 units/acre or less. This property is better known as 11920 Meis Lane. Tax Map 48-8 (3) Genito Estates, Section C, Block P, Lot 3 (Sheet 13).

Mr. Barclay presented the background information.

Ms. Traci D. Williamson, the applicant, came forward to represent this request.

In response to a question by Mr. Gill, Ms. Williamson indicated that she had reviewed the conditions and agreed with them except for Condition 2. She indicated that two (2) years was not enough time to make the changes to her house to meet the codes of the American Disabilities Act, pay back the loan and obtain another application fee.

Mr. Gill indicated that he felt a five (5) year time limit was in order.

On motion of Mr. Gill, seconded by Mr. Daniels, the Board resolved to approve Case 93AN0205 for five (5) years subject to Conditions 1 through 9:

#### CONDITIONS

1. Special Exception shall be granted to and for Tracy D. Williamson, exclusively. Upon transfer of the land, this Special Exception shall expire.
2. Special Exception shall be granted for a period not to exceed five (5) years from date of approval and may be renewed upon satisfactory reapplication and demonstration that the one-chair beauty shop operation has not proved a detriment to the adjacent property or the area in general.
3. Special Exception shall be limited to the operation of a one-chair beauty shop, exclusively, and no employees, other than the applicant, shall be engaged in this operation.
4. Hours of operation shall be restricted to between 9:00 a.m. and 8:00 p.m., Monday through Saturday. No Sunday operation shall be permitted.
5. Off-street parking shall be provided for at least two (2) customer vehicles, plus vehicles belonging to the applicant. All driveway and parking areas shall be at least graveled.
6. No additions or alterations related to this operation shall be permitted to the exterior of the dwelling.

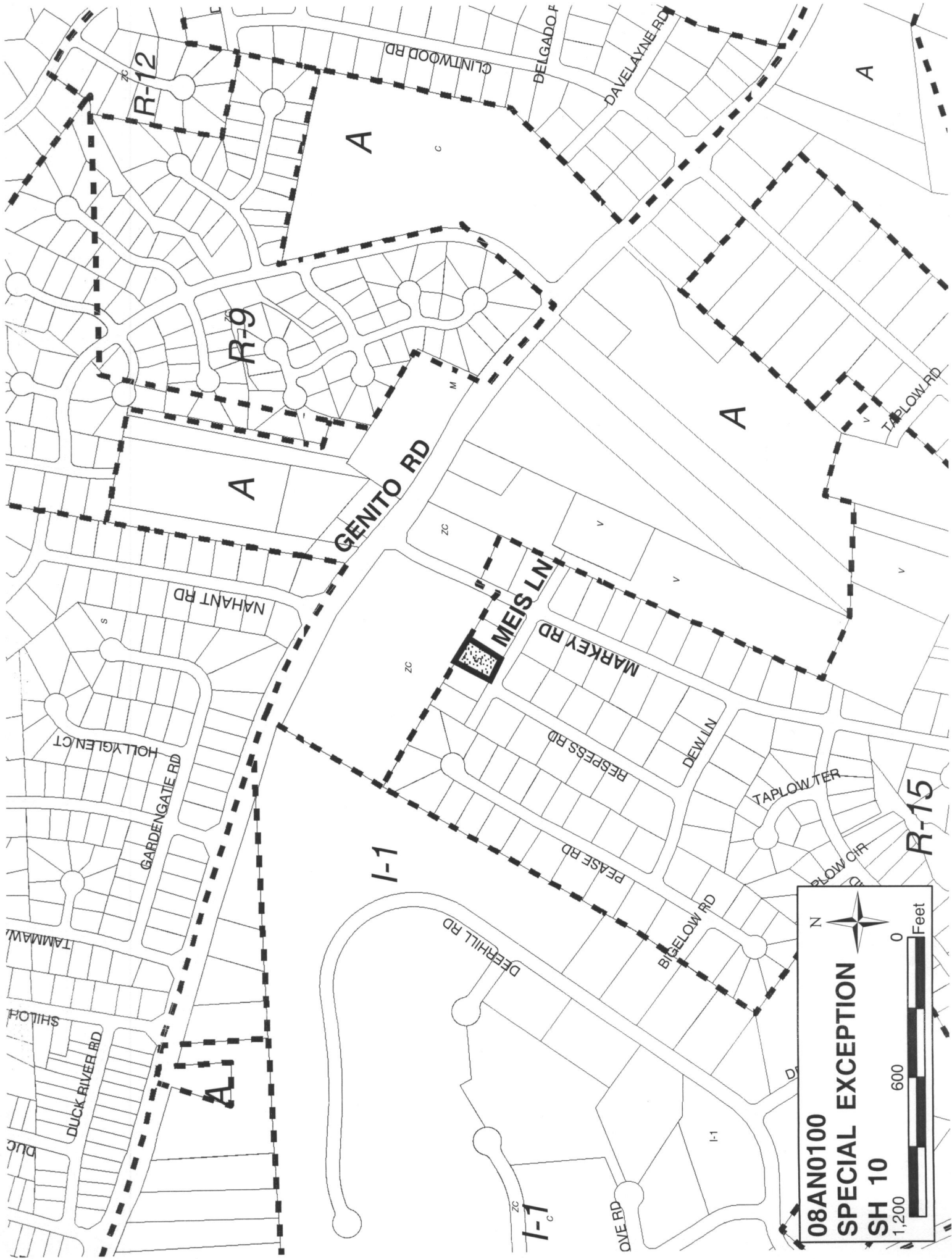
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7. No group assembly connected with this operation shall be permitted.
8. Not more than two (2) customers shall be permitted on the property at any one time.
9. A sign relative to this use shall be permitted. This sign shall be attached to the building, will not be illuminated or more than one (1) square foot in area.

AYES: Messrs. Gill, Biggs, Daniels, OBrion and Perkinson.

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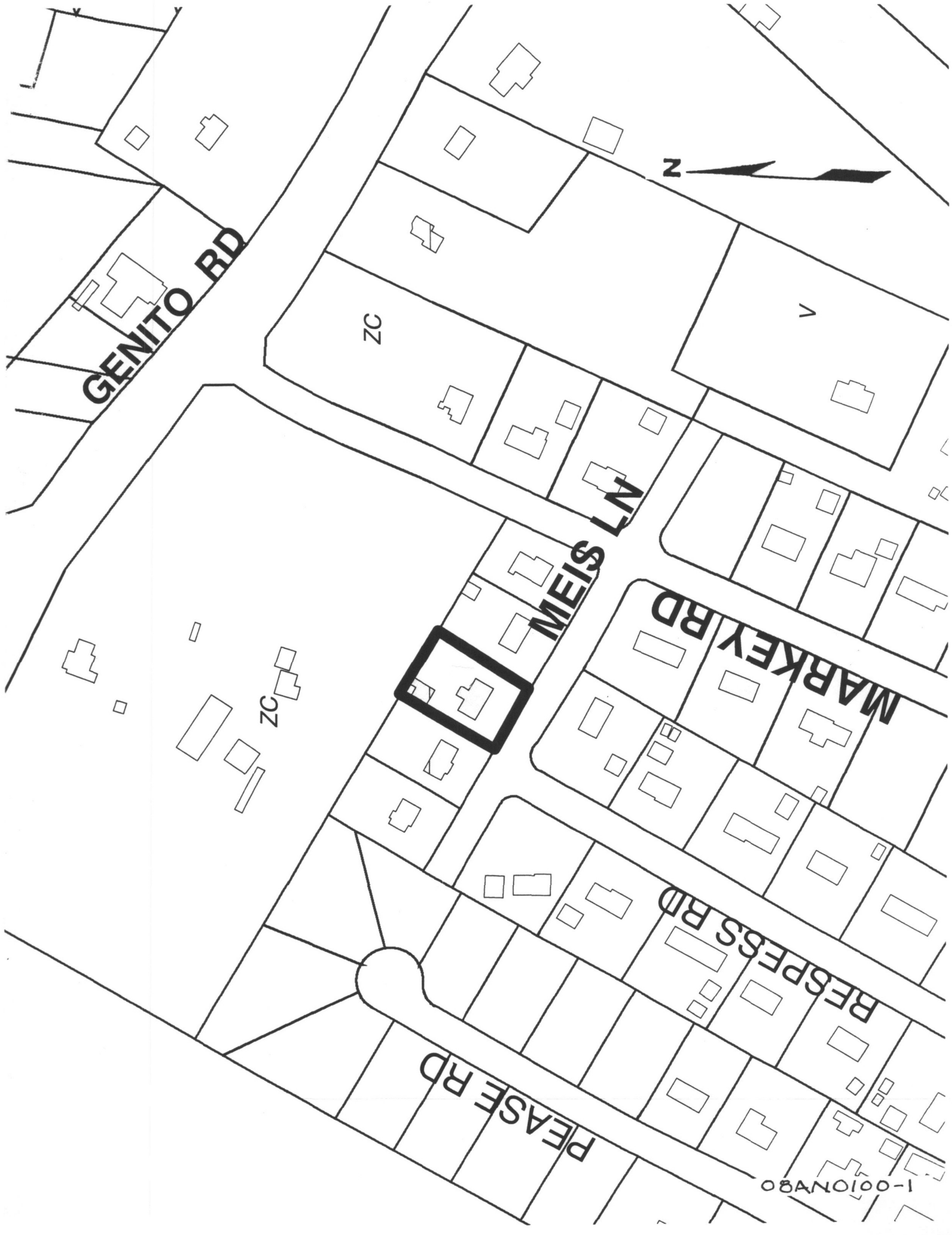


08AN0100  
SPECIAL EXCEPTION  
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GENITO RD

2C

MEIS LN

MARKEY RD

RESPESS RD

PEASE RD

1-0010N80